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09/286,906	04/06/1999	ATSUSHI MISAWA	0879-0230P	5582

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EXAMINER

NGUYEN, LUONG TRUNG

ART UNIT PAPER NUMBER

2612

DATE MAILED: 06/04/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

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## Office Action Summary

**Application No.**

09/286,906

**Applicant(s)**

MISAWA, ATSUSHI

**Examiner**

LUONG T NGUYEN

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 March 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-12 is/are rejected.
- 7) ☒ Claim(s) 5 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                              | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)          | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ | 6) <input type="checkbox"/> Other:  |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments filed on 3/17/2003 have been fully considered but they are not persuasive.

In re page 3, Applicant argues that Kawamura et al. fail to teach displaying the image in a first area on the monitor in recording mode and displaying the image on a second area in the reproducing mode.

In response, regarding claim 1, the Applicant claimed claim 1 with the limitation "a display controller for controlling the monitor to display the image captured by the imaging part on a first area on the monitor in the recording mode, and to display the image reproduced from the recording medium on a second area on the monitor in the reproducing mode." The Examiner considers that claim 1 as claimed still do not distinguish from Kawamura et al. patent application in view of Oku et al. patent Kawamura et al. disclose when the selector switch 7 is operated to the photographing mode (recording mode) the captured image is displayed in the display portion 4 (first area, figure 2, 5, page 2, sections [0024]), and when the selector switch 7 is operated to the reproduction mode (reproducing mode) the reproduced image is displayed in the display portion 4 (second area, figure 2, 5, page 2, sections [0025]).

In re page 3, Applicant argues that nowhere does Oku et al. disclose a display controller for controlling the monitor to display the image captured by the imaging part on a first area on the monitor in the recording mode, and to display the image reproduced from the recording medium on a second area on the monitor in the reproducing mode.

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In response, this feature is disclosed by Kawamura et al. as discussed above.

In re page 5, Applicant argues that nowhere in the reference does Shigetomi teach determining an area on the monitor hidden by a matter touching the touch panel and controlling the monitor to display the image on an area on the monitor excluding the hidden area.

In response, regarding claim 10, the Applicant claimed claim 10 with the limitation "display controller for determining, by the touch panel, an area on the monitor hidden by a matter touching the touch panel, and controlling the monitor to display the image on an area on the monitor excluding the hidden area." The Examiner considers that claim 10 as claimed still do not distinguish from Kawamura et al. patent application in view of Shigetomi patent. Shigetomi disclose a liquid crystal display device with a display screen on which a touch panel is disposed (figures 5-6, column 1, line 65 through column 2, line 9). Figures 5-6 show the display screen has two regions, one region for displaying icons 3B-3H (an area on the monitor hidden by a matter touching the touch panel), the other region for displaying image 3A (display the image on an area on the monitor excluding the hidden area).

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 6-9, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al. (US 2002/0008763) in view of Oku et al. (JP 01-328071).

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Regarding claim 1, Kawamura et al. disclose a camera comprising an imaging part (imaging portion 1, figure 2, page 2, section [0024]); a selector (selector switch 7, figures 1A, 2, page 2, sections [0024], [0025]); a recording part (photographing mode, page 2, section [0024]); a reproducing part (reproduction mode, page 2, section [0025]); a monitor (display portion 4, figures 2, 5, page 2, section [0024], [0025]); a display controller for controlling the monitor to display the image captured by the imaging part on a first area on the monitor in the recording mode, and to display the image reproduced from the recording medium on a second area on the monitor in the reproducing mode (control portion 5, figure 2, 5, page 2, sections [0024], [0025]).

Kawamura et al. fail to specifically disclose the first area being smaller than the second area. However, Oku et al. disclose that the display of the live recording image (by CAM) is smaller than the display of the reproduced image (by VTR), see figure 7c. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Kawamura et al. by the teaching of Oku et al. in order to let the time for processing image to be displayed in the photographing mode be small. The small size image (such as thumbnail) takes less time for processing to be displayed than large size image. This saves time for the operator to take the next image.

Regarding claim 6, Kawamura et al. disclose a touch panel (touch panel 2, figure 5, page 1, section [0022]); wherein an operational button (buttons 25-27, figure 5) is displayed on an area other than the first area on the monitor in the recording mode, so that the monitor and the touch panel serve as a camera operation part (figure 5).

Regarding claim 7, Kawamura et al. and Oku et al. fail to specifically disclose wherein the operational button comprises at least one of a zoom operation button and an exposure correcting button. However, Official Notice is taken that it is well known in the art to use such zoom button to zoom image. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include a zoom button in the device of Kawamura et al. and Oku et al. in order to let the user select a desired size of displayed image in viewing.

Regarding claim 8, Kawamura et al. disclose a touch panel (touch panel 2, figure 5, page 1, section [0022]). Kawamura et al. and Oku et al. fail to specifically disclose an operational button for instructing the image reproduced on the monitor to be enlarged is displayed on the monitor in the reproducing mode. However, Official Notice is taken that it is well known in the art to use such enlarging button to enlarge image. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to include an enlarging button in the device of Kawamura et al. and Oku et al. in order to let the user see the better view of image.

Regarding claim 9, Kawamura et al. disclose the monitor comprises a liquid crystal display (LCD 4, figure 5, page 1, section [0022]).

Regarding claim 12, Kawamura et al. disclose wherein the first area (display portion 4, figure 1A) is arranged to exclude an area covered with hand of an operator holding a body of the camera to operate the camera to record the image (figure 1A shows that the operator holds the camera at the grip, which is excluded to display portion 4).

4. Claims 2-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al. (US 2002/0008763) in view of Oku et al. (JP 01-328071) further in view of Okada (US 5,515,104).

Regarding claim 2, Kawamura et al. disclose the monitor is arranged at the back of the camera (figure 5, page 1, section [0022]). Kawamura et al. and Oku et al. fail to specifically disclose a grip to be held by a hand of an operator in the recording mode, the grip being arranged at a front of a body of the camera; wherein the monitor is arranged at a back of the body of the camera and extends to a part opposite to the grip. However, Okada discloses a camera has a grip (figure 1) and monitor (LCD 15) is arranged at a back of the body of the camera and extends to a part opposite to the grip (figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Kawamura et al. and Oku et al. by the teaching of Okada in order to let the operator hold the camera easier when taking picture and viewing picture at the same time.

Regarding claim 3, Okada disclose the monitor is arranged such that none of the first area and a part of the second area are covered with the hand of the operator holding the camera by the grip in the recording mode (figure 2, LCD 15 is not covered by the hand of the operator holding the camera by the grip).

Regarding claim 4, Kawamura et al. disclose the monitor is arranged such that none of the first area and a part of the second area are covered with the hand of the operator holding the body to operate

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the camera in the recording mode (figure 5, LCD 4 is not covered by the hand of the operator holding the camera).

5. Claims 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al. (US 2002/0008763) in view of Shigetomi (US 6,169,568).

Regarding claim 10, Kawamura et al. disclose a camera comprising an imaging part (imaging portion 1, figure 2, page 2, section [0024]); a monitor (display portion 4, figures 2, 5, page 2, section [0024], [0025]); a touch panel (touch panel 2, figure 5, page 1, section [0022]); a display controller for controlling the monitor to display the image on an area on the monitor (control portion 5, figure 2, 5, page 2, sections [0024], [0025]).

Kawamura et al. fail to specifically to disclose a display controller for determining, by the touch panel, an area on the monitor hidden by a matter touching the touch panel, and controlling the monitor to display the image on an area on the monitor excluding the hidden area. However, Shigetomi disclose a liquid crystal display device with a display screen on which a touch panel is disposed (figures 5-6, column 1, line 65 through column 2, line 9). Figures 5-6 show the display screen has two regions, one region for displaying icons 3B-3H (an area on the monitor hidden by a matter touching the touch panel), the other region for displaying image 3A (display the image on an area on the monitor excluding the hidden area). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Kawamura et al. by the teaching of Shigetomi in order to prevent the displayed image from being covered by any icons or buttons. This let the operator can view a better image.



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6. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kawamura et al. (US 2002/0008763) in view of Shigetomi (US 6,169,568) further in view of Okada (US 5,515,104).

Regarding claim 11, Kamura et al. disclose the monitor is arranged at the back of the camera (figure 5, page 1, section [0022]). Kawamura et al. and Shigetomi fail to specifically disclose a grip to be held by a hand of an operator, the grip being arranged at a front of a body of the camera; wherein the monitor is arranged at a back of the body of the camera and extends to a part opposite to the grip. However, Okada discloses a camera has a grip (figure 1) and monitor (LCD 15) is arranged at a back of the body of the camera and extends to a part opposite to the grip (figure 2). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device in Kawamura et al. and Shigetomi by the teaching of Okada in order to let the operator hold the camera easier when taking picture and viewing picture at the same time.

#### ***Allowable Subject Matter***

7. Claim 5 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

See Examiner's comments of reasons for the indication of allowable as indicated in Paper No. 8 on 12/19/2002.

#### ***Conclusion***

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **LUONG T NGUYEN** whose telephone number is **(703) 308-9297**. The examiner can normally be reached on 7:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Wendy Garber** can be reached on **(703) 305-4929**.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231


**Or faxed to :** (703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 whose telephone number is (703) 306-0377.

LN LN  
May 28, 2003

  
WENDY R. GARBER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600